

SINCE THE REVOLUTION
HUMAN RIGHTS IN ROMANIA

March 1991

A Helsinki Watch Report

**485 Fifth Avenue
New York, NY 10017
Tel (212) 972-8400
Fax (212) 972-0905**

**1522 K Street, NW, #910
Washington, DC 20005-1202
Tel (202) 371-6592
Fax (202) 371-0124**

**Copyright © March 1991 by Human Rights Watch
All Rights Reserved.
Printed in the United States of America.**

**ISBN 0-929692-88-8
Library of Congress Catalogue Card Number 91-71163**

Cover Design by Deborah Thomas

The Helsinki Watch Committee

Helsinki Watch was formed in 1978 to monitor and promote observance of domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The Chairman is Robert L. Bernstein; Vice Chairs, Jonathan Fanton and Alice Henkin; Executive Director, Jeri Laber; Deputy Director, Lois Whitman; Washington Representative, Catherine Cosman; Staff Counsel, Holly Cartner and Theodore Zang, Jr.; Staff Consultant, Ivana Nizich; Orville Schell Intern, Robert Kushen; Intern, Jemima Stratford; Associates, Sarai Brachman, Mia Nitchun, and Elisabeth Socolow.

Helsinki Watch is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna.

Human Rights Watch

Helsinki Watch is a component of Human Rights Watch, which includes Americas Watch, Asia Watch, Africa Watch, and Middle East Watch. The Chairman is Robert L. Bernstein and the Vice Chairman is Adrian W. DeWind. Aryeh Neier is Executive Director; Kenneth Roth, Deputy Director; Holly J. Burkhalter, Washington Director; Susan Osnos, Press Director.

Executive Directors

Africa Watch, Rakiya Omaar; Americas Watch, Juan Mendez; Asia Watch, Sidney R. Jones; Helsinki Watch, Jeri Laber; Middle East Watch, Andrew Whitley.

Table of Contents

Introduction	1
Prosecution for Past Abuses	5
Trials of Ceausescu Aides and Family Members	5
Prosecution of Former Securitate Members	7
Use of Military Tribunals	11
Ethnic Conflict and the Rights of Minorities	15
Conflict in Tirgu Mures	15
The German Minority	20
Attacks on Gypsy Communities	21
Freedom of Speech and Assembly	25
Violence Against Demonstrators	25
Demonstrations in University Square	26
Legal Restrictions on the Right to Demonstrate	27
Violence Against Opposition Organizations	28
The Committee for Action to Democratize the Army (CADA)	30
Abuse of the Electoral Law: The Case of Smaranda Enache	31
Freedom of the Press	33
Restrictions on the Press	33
Attacks on Newspapers and Journalists	34
The Draft Law on the Press	35
Romanian Television	36
Criminal Procedure and the Right to a Fair Trial	39
Access to an Attorney	39
Preventive Detention	39
Denial of Information About Detainees	41
III-Treatment During Detention	42
Changes in the Criminal Procedure	43
Orphanages in Romania	47
The Orphanage System	47
Human Rights Concerns	48
The Right to Privacy	48
Freedom from Cruel and Inhuman Treatment	49
Freedom of Expression and Association	49
The New Romanian Government's Policies	51
The Right to Travel and to Citizenship	53

The New Citizenship Law	54
Freedom of Religion	57
United States Government Policy	59
Appendix A.....	61
Appendix B.....	65
Appendix C.....	67

Acknowledgements

This report was written by Holly Cartner and is based on missions conducted during 1990. Portions of this report have appeared in "News From Helsinki Watch" newsletters.

Helsinki Watch wishes to express its thanks to the many people who provided information and assisted Helsinki Watch in its work during the year. Helsinki Watch wishes to thank all those who participated in missions to Romania, including David Nachman, an attorney with Paul, Weiss, Rifkind, Wharton & Garrison; Robert Levy, senior staff attorney for the New York Civil Liberties Union; Jonathan Fanton, President of the New School for Social Research and Vice Chairman of Helsinki Watch; David J. Rothman, Bernard Schoenberg Professor of Social Medicine and Director of the Center for the Study of Society and Medicine at Columbia University; Sheila M. Rothman, Director of the Externship Program in Medicine and Human Rights at Columbia University Medical School; and Jemima Stratford, Intern at Helsinki Watch. Special thanks also go to Vera Cimpeanu and Gabriela Hainagiu for their energetic assistance to Helsinki Watch in Romania.

Introduction

Shortly after the December 1989 revolution in Romania, many of the most repressive practices of the Ceausescu era were abolished. As Romanians looked forward to the new year, there was much to celebrate. But the initial euphoria was quickly followed by a bitter realization that, although Ceausescu was gone, he had left his mark on every institution and every citizen.

Repression in Romania was so severe under Ceausescu that a civil society had no opportunity to develop. There was no human rights movement, no samizdat press. No groundwork had been laid for the development of democratic institutions. Thus, despite some progress, Romania is still experiencing significant human rights abuses. Recurrent episodes of violence, ethnic conflict, brutal suppression of demonstrations and the arrest and conviction of nonviolent activists make it clear that forty years of repression have done damage that cannot be mended quickly.

The street fighting between demonstrators and the feared Securitate that brought about the fall of Nicolae Ceausescu in December 1989 resulted in 1,033 deaths.¹ Ceausescu and his wife Elena were convicted of genocide,² condemned to death and executed on Christmas Day, 1989.

Soon afterwards, severe restraints on travel, the press and freedom of speech and assembly were removed. But the fragility of the new Romanian political order was illustrated by numerous violent events, such as the ethnic conflict in Tirgu Mures and the miners' rampage through Bucharest, in which the role of the government, the army, the police and the former Securitate forces is still unclear.

¹This is the official figure reported by the Prosecutor General's office.

²The definition of genocide in Romanian law differs from the internationally accepted definition. In Romanian law, it refers to killing a group of people for any reason. In international law, it means a policy and practice of killing based on race, religion or ethnic identity.

As time went on, many Romanians became more and more convinced that the revolution had been stolen from them. Important officials under the Ceausescu regime were still in positions of power, and in times of crisis the government tended to respond in ways that revealed its lack of experience with open opposition, if not its inherently undemocratic values.

Those in opposition have struggled to form a strong, unified national structure. Unlike the opposition in Czechoslovakia or Hungary, the Romanian opposition is fragmented, with little political experience. It did not spend the last decade preparing itself to assume power, or even to oppose it. It did not have the opportunity to bridge gaps between different segments of the society or to agree on what its political vision was in concrete terms. Thus, efforts to unite in opposition to the Front failed repeatedly.

The National Salvation Front has a decided advantage in this regard. It essentially adopted the structures already in place from the former government. The Front leaders exploited the organizational experience, training and contacts that they had developed from years within the system. This advantage has been reflected in the Front's ability to organize for the first multi-party elections in Romania in over forty years. However, the election campaign itself was marred by intimidation and violence. In addition many opposition parties and candidates had difficulty campaigning in a certain area and in distributing their campaign materials (see *News From Helsinki Watch*, "Election Report," May 1990). It came as no surprise that the National Salvation Front won two-thirds of the seats in Parliament and that Ion Iliescu won over 85 percent of the vote for President.

The Romanian population has suffered as well from a lack of information not only about what happened during the Revolution, but also what had happened during the decades of communist rule. The importance for the Romanian people of understanding their own history has been underscored repeatedly in their attempts to oppose the government while fearing the consequences of their political involvement, believing that the Securitate still operates as before and that dissident activities will be punished sooner or later.

It would be inaccurate to claim, as many Romanians do, that nothing has changed in Romania. As this report will reveal, there has been progress in human rights. However, the human rights situation in Romania does not now meet the high expectations that existed in Romania after the violent overthrow of the Ceausescu government. Romanians still live in fear that they might lose their fragile freedoms.

The following report discusses the various areas that are relevant to an evaluation of the human rights situation in Romania. Numerous cases are discussed. However, they are cited as examples, and are not meant to be a comprehensive list. Portions of this report are taken from previously published Helsinki Watch newsletters. These newsletters should be referred to for additional information about specific events.

Prosecution for Past Abuses

The Romanian government has, thus far, failed to seek accountability for gross human rights abuses committed under the repressive Ceausescu regime. Several trials of former Ceausescu associates and family members have resulted in convictions for charges related to genocide. Other former Communist Party officials and Securitate are currently under investigation or being tried for similar crimes. But the charge of genocide relates only to crimes committed during the December revolution and the testimony at the trials conducted thus far has been restricted to events that occurred during the week of December 17-25, 1989. No effort has been made to conduct a public investigation, or to prosecute and punish those who committed abuses during the 25 years of Ceausescu rule.

The only "trial" of a top government official that mentioned abuses during Ceausescu's reign was the trial of Nicolae Ceausescu himself, as well as of his wife Elena. The Ceausescus were tried and convicted of genocide by a kangaroo court on December 25, 1989, while fighting between members of the Securitate and the Romanian armed forces raged on. The proceeding was intended neither as a serious evaluation of evidence of the Ceausescus' past abuses nor as a search for the truth regarding the events during the revolution. The proceeding took place in secret, with none of the basic safeguards of a fair trial, and the verdict was never in doubt. Many Romanians believe that the Ceausescus were tried, convicted and executed quickly so that they would not have the opportunity to make public embarrassing information regarding abuses committed by other government and party officials.

Trials of Ceausescu Aides and Family Members

The following trials deal with events solely related to the week of the December revolution:

- On January 27, 1990, the trial of four of Ceausescu's most powerful aides began in Bucharest before a military court. Tudor Postelnicu, the former interior minister; Emil Bobu, member of the permanent bureau of the political executive committee of the Communist Party; Ion Dinca, a deputy prime minister; and Manea Manescu, the former vice president,**

were charged with the crime of complicity to commit genocide. The evidence presented by the prosecutor was narrowly limited to the defendants' activities during the revolution between December 17-22, 1989, activities for which the defendants readily acknowledged their guilt. Although all four defendants were convicted and sentenced to life imprisonment, the main objective of the trial appears to have been to satisfy the public's desire for revenge, while restricting the evidence presented at trial so as not to jeopardize those who had supported Ceausescu's policies and who are still in positions of power.

- The trial of Nicu Ceausescu, who had been First Party Secretary of the RCP in Sibiu, began on May 28 in the town of Sibiu. He was sentenced on September 21 to 20 years in prison and stripped of his military rank by a military court for "instigating to aggravated murder" for his role during the revolution. He has appealed his conviction .**
- On September 20, Ceausescu's brother, Andruta Ceausescu, was convicted of aggravated murder and "inciting genocide" and sentenced to 15 years for his role during the revolution.**
- On March 7, four of Ceausescu's former bodyguards, Aurel David, Florian Rat, Paulica Tanasie, and Marian Rusu, were acquitted by a military court because they had "only been obeying orders" when they helped Nicolae and Elena Ceausescu escape on December 22, 1989.**
- The trial of 24 of the leading Romanian Communist Party members under Ceausescu began on July 21 before the**

Bucharest Territorial Military Tribunal and is ongoing.³ All 24 are charged with the crime of genocide.

There have also been several trials related to economic crimes committed during the Ceausescu era, and the prosecutor's office is continuing to investigate crimes such as embezzlement that may have been committed by Ceausescu's cronies.

- **Zoe and Valentin Ceausescu, two of Ceausescu's three children, were arrested shortly after the revolution and apparently investigated for economic crimes. Both were held in preventive detention until August 1990, when they were released without being charged.**
- **Ceausescu's sisters Maria Agache and Elena Barbulescu, as well as close allies Dorel Bilan and Alexandru Tiucin, are being tried for economic crimes such as embezzlement. Nicu Ceausescu is also currently standing trial for embezzlement.**
- **On October 2, Maria Cebuc and Ion Furcoi, both members of the Romanian Communist Party (RCP) secretariat in Brasov County, were given 1-year suspended jail sentences for "abuse of power to the detriment of public interest." In the same proceeding, Gheorghe Daogaru and Petre Preoteasa received 5 and 6 years respectively.**

Prosecution of Former Securitate Members

The Romanian government has failed to clarify the status of the former Securitate, and many Romanians still fear that former Securitate officers are operating either independently of the government or in the newly organized security department, the Romanian Information Service (Serviciul Informatii Roman or SRI), set up on March 26.

³The defendants are Stefan Andrei, Lina Ciobanu, Nicolae Constantin, Silviu Curticeanu, Constantin Dascalescu, Gheorghe David, Miu Dobrescu, Ludovic Fazekas, Suzana Gadea, Mihai Gere, Nicolae Giosan, Ana Muresan, Paul Niculescu-Mizil, Constantin Olteanu, Gheorghe Oprea, Gheorghe Pana, Dumitru Popescu, Constantin Radu, Ion Radu, Gheorghe Radulescu, Ion Stoian, Iosif Szasz, Ioan Toma, and Ioan Totu.

According to a report by Virgil Magureanu, Director of SRI, before a combined session of Parliament on November 22, 1990, there were 14,259 military personnel working for the State Security Department before the revolution. According to Magureanu,

Of the total personnel of the former State Security Department, 2,841 cadres were removed through the dismantlement of central and territorial units; a further 2,769 cadres were put in reserve; 2,896 cadres of the former Securitate troops were taken over by the Ministry of Interior, and 449 were turned into a technical transmission unit by the Ministry of National Defense to ensure government telephone connections.⁴

Magureanu continued,

After the selection and verification of uncompromised cadres, the SRI took over the well-trained specialized and competent officers. . . I would like to inform this high forum that approximately one-quarter -- or a little bit more -- of the former intelligence apparatus of the Securitate has been taken over by the newly established body.⁵

While this information did clarify to some extent the number of Securitate officers active within the SRI, it provided no information on the whereabouts of former Securitate agents who were judged to be "compromised."⁶ After all, it is precisely the "compromised" former Securitate officers who are feared by the population.

In late 1990, Magureanu stated that he would make public the names of some 9,000 former Securitate officers. However, Defense Minister Stanculescu

⁴Reported in FBIS-EEU-90-228, 27 November 1990, p. 55.

⁵*Id.*

⁶The official figures were also inconsistent with earlier reports in February 1990 by Minister of Defense Victor Stanculescu that an investigation was being conducted into 70,000 former personnel of the Securitate.

protested such an action as likely to lead to "nationwide revenge." In addition, Magureanu reported that the files of the Securitate would be made public in early 1991, after they had been evaluated by the SRI and the Prosecutor General's Office.

As 1990 progressed, more and more Romanians reported that their phones were again being tapped and their correspondence and activities monitored. There was little hard evidence to support these claims, as this kind of activity is by its very nature difficult to prove. However, Magureanu made one enlightening statement in November during his speech before the Romanian Parliament. He stated that:

We have numerous signs that in some counties and even in Bucharest such wiretapping is still practiced for purposes we have to clarify. . . We do not doubt what certain citizens say in connection with the fact that they received correspondence which had been opened and that the contents of the letters were changed. This is the work of some people who do this intentionally for instigating purposes.⁷

Magureanu claimed that the wiretapping equipment being used had been brought in from "outside the country" and was being used by "foreign or domestic organizations," but he failed to

⁷Reported in FBIS-EEU, November 27, 1990, p.56.

explain who these individuals or organizations might be or what their purpose is. He emphasized, however, the need for legal approval to "carry out anti-tapping technical control" so that the new security apparatus could prevent further violations of individual freedoms.

Given the active role of the Securitate in pre-1990 Romania, as well as in

the events of December, it is especially surprising that the number of Securitate on trial is so low. There were, however, several trials of Securitate officers dealing solely with the events surrounding the revolution:

- **The first trials of secret police took place in Sibiu. In the first trial, Maj. Ion Bunea was convicted of firing on a group of five army officers and killing one on December 22. He was sentenced to nine years of imprisonment. Another trial began in Sibiu on the same day involving two Securitate officers who allegedly gave the orders to fire on the demonstrators and who fired themselves. News reports indicate that both of these defendants were convicted and sentenced to prison terms of 12 years and six months.**
- **On March 2, the trial of 24 former Securitate members⁸ began in Timisoara and continued sporadically throughout 1990. The 24 are charged with crimes related to the revolution during December, and all evidence presented thus far has been strictly limited to that period. Many members of Romania's opposition have accused the court of intentionally dragging out the trial. One lawyer interviewed by Helsinki Watch in late August stated, "the evidence is only related to the December events. And the trial is scheduled so sporadically and has taken so long that it is impossible to follow. People have lost all interest in the outcome and I have to believe that was intended." [By October 22 the court had heard more than 450 witnesses.]**
- **On November 27, the trial of seven members of the militia and Securitate began in Bucharest. Tudor Postelnicu (already serving a life sentence for genocide), Iulian Vlad, Gianu Bucurescu, Gheorghe Vasile and Mircea Varban are charged with illegal deprivation of liberty for arrests made during the revolution. Marin Pirvulescu, Ion Guresoiaie and Gheorghe Stefan (in absentia) are charged with abusive investigation during the revolution. All defendants are being held in preventive**

⁸The defendants are Ion Coman, Emil Macri, Ion Popescu, Traian Sima, Ion Deheleanu, Ioan Corpodeanu, Filip Teodorescu, Gabriel Anastasiu, Nicolae Ghircoias, Gheorghe Atudoroaie, Tinu Radu, Valentin Ciuta, Petre Moraru, Ion Batiu, Iosif Beberca, Gheorghe Abram, Laurentiu Preda, Eugen Misesa, Tiberiu Grui, Eugen Pettan, Biorel Bucur, Gheorghe Ganciu, and Iosef Emilian Zamfir.

detention except for Gheorghe Stefan, whose whereabouts is unknown. The trial is ongoing.

The majority of defendants have been indicted for crimes related to genocide. Helsinki Watch has expressed concern to the Romanian government about this trend of charging defendants with crimes much more severe than supported by the evidence, thereby trivializing other crimes that may have been committed and diverting attention from the need for a thorough investigation.

For example, the trial of General Iulian Vlad, the former head of the Securitate, was suspended in late October for "insufficient evidence." Helsinki Watch, in a letter of protest to President Iliescu, stated that "While clearly no individual should be prosecuted when there is insufficient evidence that a crime has been committed, Helsinki Watch is concerned that General Vlad was charged with a crime solely related to the events in December in order to delay or avoid altogether a full investigation, and a potentially revealing trial, of his activities during his tenure as head of the Securitate."⁹

Use of Military Tribunals

As can be seen from the discussion above, not only high-ranking military officials but also civilian members of Ceausescu's cabinet and of the Romanian Communist Party (RCP) are all being tried before military tribunals. In January 1990, Helsinki Watch expressed concern about the Romanian government's decision to rely virtually exclusively on military courts for the trials of civilian officials. (See *News From Helsinki Watch*, January 1990).

The use of military courts in these circumstances is apparently rooted in Romanian practice. Under Ceausescu, military courts were employed to try not only offenders who were members of the armed services, but also civilians charged with "political" offenses or crimes against the state, such as treason or subversion. Hence, it is only natural, one official explained, that military courts

⁹In late November, General Vlad, along with Tudor Postelnicu, Giau Bucurescu, Gheorghe Vasile and Mircea Varban, was indicted on the charge of illegal deprivation of liberty for the illegal arrest of participants during the December revolution.

continue to be used to try not only armed Securitate agents who fired on demonstrators, but senior civilian officials who are to be tried for crimes of "genocide" and other offenses against the Romanian people. This purported justification, however, would seem to have it backwards. The use of military courts to try cases other than those uniquely within the sphere of military jurisprudence (such as insubordination in the chain of military command) tends to undermine the principle, essential to any democratic society, that the administration of justice is the responsibility of a civilian government answerable to its electorate. The fact that military trials were routinely employed during the Ceausescu era, far from providing a respectable precedent, would seem to be all the more reason not to continue the practice now, particularly for a government that professes commitment to the ideals of civilian rule and democracy.¹⁰

As much as any other factor, the use of military courts for all classes of human rights offenses casts doubt on the intentions of Romania's leaders when it comes to accountability for past abuses. It suggests that the process of establishing accountability is ultimately in military, not civilian, hands, and that the Romanian people will have little voice in how that process is administered.

* * *

Helsinki Watch (as part of Human Rights Watch) has adopted a formal policy statement on the issue of accountability for past human rights abuses. Its basic elements are: governments have a responsibility to seek accountability for gross abuses of human rights, and to provide as full an accounting as possible concerning all that can be reliably established regarding their commission; the duty to investigate, prosecute and punish those responsible is proportionate to the extent and severity of the abuses and the degree of individual responsibility involved; and the means employed by a government in investigating and prosecuting those responsible must conform to internationally-recognized principles of due process of law. Helsinki Watch emphasizes that a just and decent society in Romania cannot be built until there is full disclosure of the

¹⁰Helsinki Watch has also received information that some of those detained for the June violence in Bucharest are being tried by a military tribunal because they are charged with crimes related to the attack on the police headquarters. Ioan Grosu, Ovidiu-Damian Ion, and Nicolae Tintea are still under arrest for the June events. These three, as well as Vasilica Lixandru, Stesan Molnar, and Valentin Stoican are being tried before a military tribunal.

abuses that occurred, not just at the end of December, but throughout the Ceausescu era.

In December 1990, amid a new wave of anti-government demonstrations, Prime Minister Petre Roman called on prosecutors to bring to justice Communists who had committed political crimes, both during the communist era and during the revolution. Victor Babiuc, Minister of Justice, stated that "We cannot find peace as long as the authors of Romania's economic, political, social and cultural disaster are still among us, anonymous, indifferent and unrepentent." But, as Mr. Babiuc continued, "The chances of finding out the truth diminish with each passing day . . . and the rightful faith in the power of truth and in justice becomes more elusive."¹¹

¹¹Reuters, 13:48, December 24, 1990.

Ethnic Conflict and the Rights of Minorities

Before December 1989, minority groups in Romania were victims, not only of the government's generally repressive policies, but also of a specific campaign of forced assimilation. Due to its size and strong ties to Hungary, the Hungarian minority in Romania (estimated to be approximately 10 percent of the total Romanian population) was a specific target of this policy. The government's policy of forced assimilation was manifested in various ways, including the use of population transfers into and out of Hungarian regions; the "restriction and elimination" of Hungarian-language education; the "banishment" of the Hungarian language from public life; the "liquidation" of cultural institutions and the harassment of minority churches.¹²

The December revolution unleashed ethnic hostility that had been suppressed and manipulated for decades under the Ceausescu dictatorship. Ethnic Hungarians and Romanians had been united during the revolution in their fight to overthrow Ceausescu. However, after the December revolution, ethnic Hungarians began to organize and demand more cultural rights, including the reopening of the Hungarian-language Bolyai University and the reestablishment of Hungarian-language schools. Some Romanians reacted with outrage to these demands, viewing them as divisive and a Hungarian desire for privileged treatment.

Conflict in Tirgu Mures

A series of minor confrontations during January and February caused an escalation in tension between the ethnic Hungarian and Romanian communities that finally exploded into violence in the Transylvanian town of Tirgu Mures on March 19-20, 1990. On March 19, Romanians attacked the headquarters of the Democratic Union of Hungarians in Romania (DUHR), trapping 60-70 DUHR members in the building. Numerous calls for assistance were made by DUHR leaders to the local police and army, but to no avail. More than four hours after the

¹²*Destroying Ethnic Identity: The Hungarians Of Romania*, Helsinki Watch Report, February 1989, p. 3.

first calls for assistance were made, and long after the Romanian mob had forced its way into and ransacked the building, soldiers arrived at the scene. However, they failed to secure the building, and many DUHR members were injured, some seriously, when they left.

The next morning, approximately 15,000 Hungarians gathered in the City Square to protest the events of the previous day. By early afternoon, Romanians had also gathered on one side of the Square. Tension escalated as ethnic Hungarians received reports that armed Romanian peasants from neighboring villages were on their way to Tirgu Mures. Although local leaders were assured that all roads to the city had been closed, unconfirmed reports indicate that at best the police roadblocks were insufficient and at worst the police actually waved the buses through.

Clearly, the villagers joined the Romanians already in the Square long after the roads should have been closed, and together they surged forward, breaking the line of some 50 unarmed and unprotected policemen placed between the two sides, and attacking the ethnic Hungarians. After the attack by the Romanians, the Hungarians armed themselves and began a counter attack. From that point forward there was an all-out street battle involving both groups, with atrocities committed by both sides. Five people were killed during the violence.

The Prosecutor's Office in Tirgu Mures conducted an investigation into the events intended less to get at the truth than to make a few individuals scapegoats for the violence. Helsinki Watch interviewed the Chief Prosecutor for the County of Mures who reported that 31 people were investigated in connection with the events; two were ethnic Romanian, five were ethnic Hungarian and 24 were of Gypsy origin.

According to recent information received by Helsinki Watch, seven persons¹³ are still being tried for crimes which they allegedly committed during March. Ioszeff Lorincz is the only one still detained due to his previous criminal record. The others were released in the fall of 1990. Their trial has been conducted sporadically, but not completed.

¹³Ioszeff Suto, Ioszeff Szilagy, Arcadie Toth, Ioszeff Lorincz, Vadja Dominic, Bela Tuczi and Petre Szilveszter. A seventh defendant, Shahadi Francisc, is appealing a sentence of five years for assault. His appeal is scheduled to be heard on March 6, 1991, in Bucharest.

In addition to the 31 mentioned above, between 14 and 18 Gypsies were tried and convicted of various offenses such as possession of weapons and disturbance of the peace. These Gypsies were tried under Decree 153 which was first published on April 13, 1970, and which was directed against those who were "parasites" of the socialist order.

After the December 1989 revolution, Decree 153 was identified as an extremely abusive tool of the Ceausescu regime. Although it was targeted to be abolished, it remains in force. Portions of Decree 153 are extremely vague and do not adequately indicate the behavior that is being restricted, consequently inviting arbitrary and discriminatory enforcement. For example, some of the Gypsies were charged under Article 2(g) which prohibits the "illegal disturbance of the peace of residents, by producing noise with any apparatus or object, or through screaming or making noise."

In addition to the overly-broad language of the decree, the expedited procedure that it requires violates basic principles of due process. Helsinki Watch interviewed Ildiko Jung, the attorney for seven of the Gypsies tried and convicted under Decree 153. Ms. Jung stated that her clients were arrested on April 28 and the first court hearing was held on April 29. Ms. Jung was given no opportunity to speak to her clients until she saw them in the corridor outside the courtroom and did not see the dossier until a few minutes before the hearing. At that first hearing Ms. Jung requested that the judge find Decree 153 inapplicable to the defendants and set them free. When the judge refused, Ms. Jung asked for an extension to prepare the defense and the judge granted an adjournment until the next day.

On March 30, Ms. Jung presented witnesses who testified to the innocence of the defendants. She also presented evidence of their employment. The prosecutor presented two witnesses whose testimony was in the dossier. One of these witnesses contradicted his previous testimony, stating that he had no memory of what he had seen on March 20 as he had been drunk. The second witness for the prosecution had a long history of convictions and was at the time of the hearing himself in jail for his involvement in events on March 20.

The prosecutor presented a written statement signed by each of the defendants acknowledging his guilt. However, the defendants had no more than a second- or third-grade education and were unable to read the statements written by the police. These statements were contradicted in part by the defendants' own

testimony at the hearing. Moreover, the defendants did not recognize certain facts that were included in the statements. Ms. Jung argued that the police wrote statements for each of the defendants and forced them to sign without first having read the statements out loud.

One of the defendants also reported to Ms. Jung that a policeman had held a knife to his throat until he agreed to sign the statement. This was apparently done in the presence of the other defendants. However, the defendant did not want this reported to the judge because he said he was afraid of the consequences if he were then sent back to jail.

All seven defendants were found guilty. Decree 153 does not allow an appeal to a higher court, but does allow a retrial by the same court with two judges instead of one. At the retrial on April 4, Ms. Jung requested that one of the judges be an ethnic Hungarian, but her request was refused. Ms. Jung also reported that the judges ordered an ethnic Romanian substitute for an ethnic Hungarian prosecutor who happened to be assigned to the court for April 4, in accordance with the normal assignment calendar. The verdict was upheld for all of the defendants and they were given sentences ranging from 3 months of work with a fine, to five months in prison.

Ms. Jung consulted her clients immediately after the trial to see if they wanted her to request an extraordinary appeal to a higher court. The defendants, however, expressed fear that the police might try to punish them for such an effort and declined her assistance.

A Parliamentary commission was sent to Tirgu Mures after the violence to investigate the events. A local investigative commission of three Romanians and three Hungarians was established to work with the Parliamentary commission. The Romanian members interviewed by Helsinki Watch reported that they had collected lists of the injured and had taken statements from eyewitnesses. Daniela Soare, one of the ethnic Romanian commission members, reported that all the information they had collected had been sent directly to the Prosecutor's Office. The ethnic Hungarian members of the commission, on the other hand, reported to Helsinki Watch that they had sent their data directly to the parliamentary commission in Bucharest. Lajos Paltan, a Hungarian member of the commission, stated that he did not trust the objectivity of the Prosecutor's investigation, which was being conducted solely by Romanians.

The Parliamentary commission completed its investigation on April 28. However, its findings were never officially made public. Helsinki Watch was able to obtain a copy of the report, which failed to address any of the serious questions raised by the events in Tirgu Mures, including the extent to which the police and army helped initiate the violence and why local authorities did not respond immediately to calls for help.¹⁴

After the violence in Tirgu Mures, ethnic Hungarians intensified their efforts to gain cultural and political rights. In the May elections, the DUHR was second only to the Front in votes received, making it the largest opposition party, with over seven percent of the seats in Parliament.

Hungarians, as well as other minorities, established schools in their mother tongue during 1990 in compliance with Governmental Decision #521/1990. Considering the severe restrictions on education in minority languages under the Ceausescu regime, a new education policy was a significant step. However, ethnic Hungarians continued to report difficulties at the beginning of the 1990-1991 school year. The principal of the Hungarian language school in Bucharest, Mr. Pufuletu, reported to Helsinki Watch that his school was vandalized, windows and desks broken and the walls defaced with graffiti in September. Mr. Pufuletu reported that calls to the police were unanswered until Senator Verestoy, a DUHR member of parliament, intervened.

At the present time, two Romanian classes have been reassigned to the school and tensions remain high. The Minister of Education has promised to repair all damages caused by vandalism and to censure teachers and students who have destroyed school property. The DUHR also reports that local officials in some areas refused to comply with Government Decision #521 and that some areas with large ethnic Hungarian populations still do not have sufficient classes in the Hungarian language. Local officials in some counties also refused to allow ethnic Hungarian students to take their entrance exams (for high school) in

¹⁴As this report went to press, Helsinki Watch learned that a second parliamentary report on Tirgu Mures was issued in January, 1991. This report is apparently more conciliatory in tone than the first, and specifically states that the first report was "inaccurate." However, the new report also fails to address the critical, and politically most sensitive, question: namely the role played by the police and the army during the events.

Hungarian as is required by law. In those situations, the Romanian government has been slow to enforce these laws on local officials. Ethnic Hungarians continue to press for the reopening of the Hungarian language Bolyai University in Cluj.

The German Minority

The German minority was also harassed by the Ceausescu regime, but seems to have found ways to obtain instruction in the German language for ethnic German children. Since the revolution, the German community has not experienced a deterioration in its relations with non-German communities. Perhaps its relatively good relations with Romanians can be attributed in part to the small size of the German minority in Romania, and the fact that Romania and Germany do not share any border that is, or is feared to be, in dispute. The German population, however, is quickly dying out in Romania. Of the 220,000 ethnic Germans still living in Romania at the beginning of 1990, 70-80% intended to leave, and by late August over 80,000 Germans had already emigrated.

Attacks on Gypsy Communities

Although there is little specific information available on the situation of Gypsies in Romania prior to the revolution, Helsinki Watch received numerous reports of discrimination against Gypsies in education, in employment and in access to public services under the Ceausescu regime. Under Ceausescu, however, Gypsies apparently did not experience organized violence.

The Gypsy population became an increasingly frequent target of discrimination and violence during the last year. After the Tirgu Mures events Gypsies were singled out for prosecution even though they were acknowledged by most to have played a small role in the violence on March 19 and 20. What is more, Gypsy communities were the targets of several violent attacks in which the local police and/or officials participated.

The Ethnic Federation of Roma in Romania reported 15 separate incidents of violence directed at Gypsies during 1990. Many Gypsies reported to Helsinki Watch that their situation is actually worse now than it was under Ceausescu. As one Gypsy woman put it after her home was attacked, "Now I am afraid to go on the street to buy bread. I am afraid they will say 'You are a Gypsy' and will kill me."

During the events of June 13-15, when miners were called into Bucharest to put down anti-government demonstrations, many of the Gypsy areas around Bucharest were specifically singled out by the miners for violent attacks. Miners entered Gypsies' houses, ransacked their homes, stole their belongings, and severely beat many of the inhabitants. Eye witnesses reported that the miners were led to the areas by "civilians" and/or police in uniform. What is more, Gypsies were also attacked on the streets by miners for the sole reason that they were Gypsies. Many of those attacked were also arrested. Helsinki Watch received credible reports from individuals detained at Magurele (a detention center for those arrested during the June events) that 70-80 percent of all those detained there were Gypsies.

Similarly, in the town of Cilnic, near Sibiu, Helsinki Watch received reports that police were part of a mob that attacked a Gypsy community. On July 20, two Gypsy boys and two Romanian boys had a fight at a local disco. The next night, after another fight broke out between Gypsies and a Romanian shepherd, the Romanians in the village marched into the Gypsy community. Several Gypsies

interviewed by Helsinki Watch reported that the Romanian villagers were accompanied by police. The Romanian mayor of the town reported that police went with the Romanian villagers to find the guilty Gypsy boys. However, the police did not intervene when Romanians began to smash windows and doors of Gypsy homes. One Gypsy man also reported that a policeman had threatened to return and set fire to the houses if the Gypsies did not move away from Cilnic.

Many of the attacks on Gypsy communities were done in an apparent effort by the other villagers to force the Gypsies out of the village altogether.

On October 9, escalating tensions in the village of M. Kogalniceanu, near Constanta, between Gypsies and the non-Gypsy community erupted into an all-out attack on Gypsy homes. The conflict apparently began when a local bar owner refused to serve a Gypsy man, setting off a feud between the families of the two men. Finally the police entered the area and stopped the fighting.

Word of the feud spread throughout the community. The non-Gypsy villagers armed themselves with wooden clubs and bottles filled with gas in preparation for an attack on the Gypsy community. The police knew about the preparations for an attack and even warned Gypsy families that they might be attacked.

In the evening, a large group of villagers gathered in front of the Mayor's office and headed toward the Gypsy area. Helsinki Watch received unconfirmed information that the Mayor himself walked part of the way with the crowd.

At the time, there were sufficient police forces in the area to have prevented an attack. However, they did not respond. The mob chased Gypsies out of their homes (many had already fled by the time the mob arrived) set fire to 35 houses and ransacked another 8 houses. Neither the fire department nor the police responded. By year's end, no one involved in the arson and devastation of the houses had been arrested.

As the above examples reveal, trademarks of the ethnic conflicts in Romania were the failure of the local police and army to protect ethnic groups under attack and, at times, the active participation of the authorities in the attacks. The role of local authorities remains unclear in many of these cases, and yet there appears little governmental interest in establishing the true nature of police and army participation in ethnic conflicts.

* * *

The Romanian government has an obligation to protect all of its citizens from violence or bodily harm without discrimination on the basis of race or ethnic origin. This obligation extends both to violence inflicted by government officials and by individuals. During 1990, Romanian authorities failed on numerous occasions to fulfill this obligation.

Freedom of Speech and Assembly

Shortly after the Revolution, a variety of organizations, ranging from political parties and ethnic or cultural unions, to professional associations, began to form. All organizations are required to register and have their by-laws approved by the local tribunal, which requires that each organization show that it has, among other things, at least 21 members and an amount of money from member contributions deposited at the bank (the government CEC). In addition, Helsinki Watch has received reports from Romanian lawyers that, before an organization can receive legal recognition, it must receive approval from the Ministry to which its activities pertain (e.g. the Ministry of Defense would have to approve the establishment of a civilian interest group on democratization of the army). Although the requirement of governmental approval before receiving legal status appears restrictive and provides the potential for abuse, Helsinki Watch did not receive any reports of specific instances in which organizations were denied the right to register during 1990.

Numerous organizations, especially those identified with anti-government forces, were the victims of violent attacks and acts of vandalism by private individuals and vigilante groups. Violent attacks were especially prevalent during the election campaign and by miners during the June events. However, attacks were also reported during calmer periods. In many cases, the police failed to provide protection from these attacks and acts of intimidation.

Violence Against Demonstrators

Large demonstrations were a common occurrence during 1990. The new-found freedom to oppose the government in the streets could not be exercised without significant difficulties, however. The greatest single restraint on free expression through demonstrations was the threat of physical violence, carried out either by police forces or vigilante forces such as the miners.

- Following large anti-Front demonstrations and counter-demonstrations on January 28, workers (including miners from the Jiu Valley) were called by the Front leadership to protect government buildings. The next day, a mob of workers assaulted the headquarters of

the Liberal Party and Peasant Party and intimidated citizens of Bucharest.

- **Again, on February 19, miners arrived in Bucharest after the Government building in Victory Square had been attacked by violent demonstrators the previous day. On this occasion the miners targeted the National Peasant Party (PNT) and the National Liberal Party (PNL). Corneliu Coposu, President of the Peasant Party, was trapped in the party headquarters and had to be taken away from the building in an armored vehicle.**
- **Attacks on demonstrators were not uncommon during the election campaign. On May 1, approximately 100 to 150 people met in the center of Sibiu chanting slogans against the Front and Iliescu. As they walked through Sibiu, members of a counter-demonstration formed behind them. One eyewitness, Iustin Panta, reported to Helsinki Watch that a red Dacia car came up behind the demonstrators. Three men got out of the car with an axe, and began to chase and threaten people, trying to intimidate the demonstrators and to break up the protest. Eyewitnesses reported to Helsinki Watch that two girls were badly beaten and the banners of the demonstrators destroyed. Although demonstrators later made a complaint to the police, giving the license number of the red Dacia and a description of the men who had attacked the demonstrators, there was no investigation.**

Demonstrations in University Square

From mid-April until June 13, 1990, a marathon demonstration took place in University Square in the center of Bucharest. The demonstration started initially to express support for the Proclamation of Timisoara (See Appendix A) which, among other things, called for an amendment to the Electoral Law to prevent former communist activists and officers of the Securitate from running as candidates for Parliament or for president in the first three consecutive legislatures. Other demands included a guarantee that Romanian television would be independent.

On April 24 at about 5 a.m., some 1,000 policemen arrived with dogs and

clubs, beating some and arresting many of the demonstrators. All those arrested were later released. The enormous outcry following this use of force against the demonstrators resulted in increasing interest in and support for the demonstrations among the citizens of Bucharest. After April 24, the demonstration at times exceeded 10,000 participants during the evenings and some demonstrators began to remain in the Square 24 hours a day.

In addition to those demonstrating in the square, a group of people began a hunger strike on April 30. At its height, there were over 60 hunger strikers who camped in tents in front of the National Theater right on the square. At the time the square was cleared on June 13, 17 people were still on hunger strike.

There were many calls for a dialogue between the demonstrators and the government. On May 8, a meeting between the government and representatives of the demonstrators broke down after Iliescu refused the demonstrators' demand that the press be able to film the dialogue. Later attempts at a dialogue were also unsuccessful.

At approximately 4 a.m. on June 13, Romanian police and military closed off University Square and began to round up demonstrators and hunger strikers who were staying there. Some 260 people were arrested during the morning, many of whom reported that they were beaten by the police at the time they were arrested. (See *News From Helsinki Watch*, "Violent Events of June 13-15," July 1990).

Legal Restrictions on the Right to Demonstrate

In response to the large anti-government demonstrations that occurred at the end of January 1990, the Provisional Council of National Unity (CPUN) issued a decree restricting all demonstrations in Bucharest to parks and limiting the time and days when such demonstrations could take place. This decree was, however, never successfully enforced.

After almost a week of nightly clashes between riot police and anti-government protesters in August, Bucharest's Mayor, Stefan Ciurel, banned demonstrations in the center of the capital. According to Decision Number 828 (August 27, 1990) demonstrations are banned in University Square and five other

squares and neighboring streets. The decision guaranteed that within 30 days public meetings would be allowed in four specified parks. This decree remains in effect.

While these decrees have not been consistently enforced, they are an unnecessary limitation on freedom of speech and assembly and should be revoked.

Violence Against Opposition Organizations

In the weeks leading up to the May 20 election, there was an increasing number of violent incidents directed at political parties and independent groups opposing the National Salvation Front. A common electoral abuse was the attacking of various parties' headquarters:

- The headquarters of the Peasant Party were attacked on three consecutive nights immediately prior to a visit by Helsinki Watch to Bacau on May 14. Mud was thrown on the building, covering the front, windows were smashed and a large sign in front was destroyed. The Peasant Party also reported damage to its headquarters in Ploiesti, Racari, Iasi, Suceava and Onesti.**
- The Liberal Party reported that its headquarters in Golesti were attacked in early May. Three party members caught inside, Gerol Albau, Mihail Gradinaru and Lucas Dumitrescu, were beaten.**
- The Liberal Party headquarters in Gostuleni and the home of its representative, Valeriu Popa, were also attacked in early May. A similar incident was reported in Hirlau, where the headquarters and the home of Florin Trofin were attacked. The Liberal Party also reported damage to its headquarters in Piatra Neamt, Bacau (Youth Headquarters), Tirgoviste, Moinesti and Balcesti Wilcea.**

Similarly, miners attacked opposition party headquarters and the offices of civic groups during their rampage through Bucharest in June.

- The Liberal Party headquarters was attacked on June 14 by miners who ransacked the building, smashed furniture, burned papers and stole**

24,000 lei. Members of the party, including an administrator and a reporter of the Liberal Party newspaper "The Future" ("Viitorul"), were beaten by the miners while trying to enter the building or when caught inside.

- **A Helsinki Watch representative in Bucharest witnessed an attack by miners on the Peasant Party headquarters on the morning of June 14. The headquarters was completely devastated and everything inside was destroyed. Approximately 30 to 40 miners remained in the headquarters on June 14 and 15, sleeping and eating there. Helsinki Watch interviewed several Peasant Party members who were caught inside by the miners and were severely beaten.**

- **21 December, an opposition organization which was very involved in the activities in University Square, was also attacked during the morning of June 14. The headquarters was first surrounded by miners, who broke windows and entered the building, devastating it. The leader of the organization, Alexandru Nancu, was kicked by a civilian who lead the miners. Dragos Paslaru reported to Helsinki Watch that he was hit in the head with a blunt object and beaten by miners. Later, he was taken to University Square by the miners where "a group of policemen was just watching."**

- **Nicolae Stefanescu-Draganesti, head of the League for the Defense of Human Rights (LADO), reported that miners came to the League's offices on June 14, threatening to destroy the building. The miners left after being told that other organizations also had offices in the building, and LADO was able to get police protection while the miners remained in Bucharest.**

- **The Group For Social Dialogue (the Group), an association of well-known intellectuals, was also subjected to intimidation when a civilian, accompanied by miners, presented the Group leaders with an official eviction notice allegedly signed by the Mayor of Bucharest. The Group had already requested and received police protection, in anticipation of the miners' visit, and there was, therefore, no damage to the building itself. However, the Mayor never clarified whether he had actually authorized the eviction, and the Group's ability to stay in their headquarters remained uncertain throughout the fall of 1990.**

The Committee for Action to Democratize the Army (CADA)

In February 1990, a democratic organization emerged within the armed forces calling itself the Committee for Action to Democratize the Army (CADA). Its platform calls for, among other things, a complete investigation and "acknowledgement of the truth" regarding the army's role in the revolution; the removal of army staff who were compromised by their activities during the revolution or during the Ceausescu dictatorship; and recognition that the army's role is to "defend national territory and provide support in natural disasters," and not to resolve struggles for power between different political groups (See Appendix B).

On June 14, CADA was banned by the Higher Military Council of the Ministry of Defense following the June events in Bucharest and the army's failure to intervene to prevent violence. Nevertheless, members of CADA continued to push for changes within the armed forces.

On September 26, Major Viorel Tocan and Major Constantin Chiticaru, two members of CADA, were placed on reserve status because of their "rebellious attitude" and "insubordination." Apparently both officers were placed on reserve status because they had attended two meetings of opposition organizations as representatives of CADA, which had already been banned by that time.

On November 22 and 23, Captain Valeriu Stan, Lieutenant Colonel Silviu Popescu, Lieutenant Colonel Petru Liciu, Lieutenant Colonel Constantin Grecu, Captain Doina Dinca and Major Nicolae Durac, also members of the banned organization, were forced into reserve status by their commanding officers.

The Romanian government has asserted that the existence of this group threatens order and discipline within the army. While the government clearly has a valid interest in maintaining discipline within the armed forces, nothing in the CADA platform would appear to jeopardize that interest. Therefore, the abolition of this organization appears to be an excessive restriction on freedom of expression and association.

Abuse of the Electoral Law: The Case of Smaranda Enache

Article 10 of the Electoral Law provides that "No persons may be elected who have committed abuses in political, judicial or administrative functions, who have violated fundamental human rights, or who have organized or have been instruments of repression in the security forces, former police or militia." This article was used during the election campaign to prevent the candidacy of a Hungarian and a Romanian who supported the Hungarians in their call for Hungarian-language schools in Tirgu Mures.

Smaranda Enache is a Romanian who directs a puppet theater and is the head of the Pro-Europe Association in Tirgu Mures. On January 28, 1990, Ms. Enache gave an interview on Romanian television supporting the right of the Hungarians in Transylvania to have separate language schools as of the school year beginning on September 1, 1990. After the interview, Ms. Enache received threatening telephone calls at work and at home from people who called her a traitor. She also received several death threats in the mail and on the phone. Until April 30, Ms. Enache had been running as an independent for the House of Deputies. However, pursuant to Article 10, Ms. Enache's candidacy was challenged by 158 individuals in Tirgu Mures.

The court for the county of Mures in Tirgu Mures, made up of two judges and a prosecutor, decided on April 30 that the challenge to Ms. Enache's candidacy was valid, and that she should be prevented from running in the election. The court stated in its decision that "Smaranda Enache contributed to the destabilization of education in schools in Tirgu Mures by intervening on television at the beginning of the second

trimester of the school year 1989-90, insisting on immediate separation of students on the basis of ethnicity. . . The adoption of this position caused the protests of the Romanian population."

Article 10 of the Electoral Law is vague and easily subject to abuse. In addition, the court's application of Article 10 to the case discussed above appears to be an arbitrary application of that law. In any case, preventing a candidate from participating in an election because of his or her expression of opinion is clearly a violation of Article 19 of the Covenant on Civil and Political Rights which guarantees the right to freedom of expression. Such an act has no place in a democratic society.¹⁵

Ms. Enache submitted a complaint to the Ministry of Justice and asked that her case be reviewed. Ms. Enache reported to Helsinki Watch that she received a letter from the Minister of Justice in late summer which failed to address her complaint and essentially said that in every election campaign there are some winners and some losers and, as Minister of Justice, there was nothing more that he could do.

¹⁵**Another candidate in Tirgu Mures, Elod Kincses, was also challenged on the basis of Article 10. Kincses was running as a candidate for the Union for Democratic Hungarians in Romania. The court decided that he could not run as a candidate in the election.**

Freedom of the Press

In the aftermath of the revolution, there was a veritable explosion of new publications (from approximately 30 publications before 1990, to over 900), representing a wide variety of political opinions. Great progress has been made in this area. Nevertheless, there are still significant difficulties facing the independent press.

Restrictions on the Press

The severe shortage of paper, as well as the still centralized methods of distribution, have created enormous problems for the Romanian press. All independent publications must purchase their paper from a single factory in the city of Bacau, where output has dropped sharply due to strikes and the government's apparent failure to guarantee wood for pulping. There have been numerous reports that the Romanian government continues to export wood for hard currency, thereby producing a shortage.

Many view the government's failure to ensure a source of paper as an indirect way of subverting the independent press. The government's modification of import duties so as to make foreign sources of paper too expensive for independent publications is pointed to as an example of the government's "bad faith." Similarly, access to the available resources appears to depend to some extent on the political tone of the publication. For example, the London-based organization, Index on Censorship, reported that "pro-FSN papers established after December 1989 do not appear to have had the same difficulties obtaining paper."¹⁶

The independent press experienced significant problems with the distribution of its publications. For example, during the election campaign many independent newspapers reported that the government-controlled distribution system prevented their publications from reaching their readers. Papers were

¹⁶*Romania's Battered Press: A Report By Index on Censorship and Reporters Sans Frontiers, compiled by Ursula Rushton, p. 2.*

being dumped on the side of the road, thrown from trains and found days later, or they simply arrived 2-3 days late and, therefore, remained unsold. State-owned shops are still responsible for selling journals and newspapers not sold on the street. Government employees in these shops, especially outside large cities, often refuse to sell opposition publications. This has caused, among other things, a financial crisis for many papers that are not being sold.

Attacks on Newspapers and Journalists

Journalists have been a target of police brutality, especially when they attempted to report on large demonstrations and on police treatment of demonstrators. Police also failed to provide protection for journalists who were attacked by other Romanian citizens such as the miners.

- The independent press was a special target of abuse and intimidation by the miners, as well as by other workers, on June 14 and 15. The miners not only attacked the main independent newspapers, but intimidated the printers of the newspapers to the extent that they refused to print *Romania Libera* in the days immediately following June 14. *Romania Libera*, the largest opposition newspaper, did not appear from June 15 to 18.
- Sebastian Taralunga, a photo journalist for the newspaper *Phoenix*, was arrested on August 23, 1990, while photographing police who were beating demonstrators in University Square. He showed the police his press identification but was nevertheless taken in a police van to police precinct #10 and detained until the next day. The police tried to convince him to sign a confession that he had assaulted a police officer and had committed "abuses against morals." He refused to sign. The police developed the film that had been in his camera and returned the pictures to him when he was released on August 24.
- On January 11, 1991, during a large demonstration in the center of Bucharest, ten journalists were reportedly beaten by police while reporting on the demonstrations.¹⁷ The next day, on January 12, 1991,

¹⁷The journalists' names were Simion Buia Jr., Andre Dumitru, and Pascal Ilie Virgil

nine journalists standing in front of the National Theater and apparently separated from the demonstration, were seriously beaten by the police after they showed their press identification.¹⁸ Andre Iliescu, a journalist for *Agence France Press*, was reportedly hospitalized for injuries he sustained at the hands of the police. Similarly, four journalists were beaten by police again on January 13.¹⁹ Two journalists also reported that the police took film out of their cameras.

The Draft Law of the Press

A Draft Press Law was presented by the Romanian government in August 1990. Of particular concern was Article 39 which forbids the publication of "false or alarming information or comments which threaten or gravely disturb public peace and order" (Para. d); damage good morals (Para. e); or affect the nation's defense capacity, damage military honor and dignity, or slander the army (Para. g). The draft law quickly drew a storm of protest from journalists' associations and opposition groups.

In response to the apparently unexpected intensity of the protests, the Government withdrew its draft in early October and called on professional journalists' associations to prepare an alternative draft law. However, the Association of Romanian Journalists and the Union of Professional Journalists of Romania had drafted a "Charter on Freedom of the Press" in September which rejects the adoption of general measures designed to restrict the freedom of the

[*Romania Libera*]; Valentin Boleru [*Catavencu*]; Ovidiu Murgu [*Opinia Studenteasca*]; Ion Tache [*Viitorul*]; Romulus Vasile Christea and Christian Ciobotarescu [*Dreptatea*]; Igor Antip [*France Antenne Two*]; Trian Andronic (Romanian Television).

¹⁸The journalists' names were Valentin Boleru [*Catavencu*]; Victor Radulescu [*Independentul*]; Andre Iliescu [*Agence France Press*]; Ovidiu Murgu [*Opinia Studenteasca*]; Marius Herghelegiu and Mirela Curea [*Expres*]; Daniel Vorona [*Oblio*]; John Guillemin [*Christian Science Monitor*].

¹⁹The journalists are Andreas Camman [*Deutsch Welle*]; Corneliu Reu [*Tinerama*]; Florentin Nitu [*Tinerama*]; and Pascal Ilie Virgil [*Romania Libera*].

press and instead looks to strengthening existing laws on, for example, slander or libel, to control any abuses of the press. (See Appendix C) Article 6 states that:

Individual persons or organizations that violate other basic human rights through the press will incur penal, civil, administrative, or disciplinary punishment, according to case, for and according to the extent of the proven violation of legal norms, not for having capitalized on the freedom of the press.

Romanian Television

Romania has one national, state-owned television station which is considered by many to have a strong pro-government bias. (Toward the end of 1990, several independent local stations with extremely restricted broadcast range were also established.) Throughout 1990, Romanian Television was the focus of intense criticism and controversy:

- **During the election campaign of May 1990, opposition political parties and independent organizations, as well as foreign election observers, consistently accused the television station of allowing opposition candidates insufficient air time. "While the FSN used 50 percent of the airtime allotted for political broadcasts, the around 80 parties registered for the elections were obliged to share the remaining 50 percent equally between them, regardless of the size of the parties or of their constituency."²⁰**
- **Also, television reporting during the demonstrations in University Square revealed a pro-government slant. Television cameras focused almost exclusively on people in the square who appeared to be black market dealers or petty thieves, giving the**

²⁰ *Romania's Battered Press: A Report by Index on Censorship and Reporters Sans Frontiers, compiled by Ursula Rushton, p.1.*

impression that the demonstration consisted mainly of criminal elements.

- **In a government statement on October 20 announcing that the state-run television would no longer be subsidized, the government added that "freedom of expression as applied to television does not imply freedom to make irrelevant assessments of the government or to refuse to relay official communiqués."²¹**

Calls for an independent television increased during the last months of 1990. The Romanian government in turn proposed legislation that would allow the establishment of private television stations by domestic or foreign private capital; at the same time, certain stations would remain in government hands. However, the draft legislation would apparently apply only to "commercial" stations, which independent journalists feared would be used as a mechanism for requiring all political reporting to be on government-controlled stations.

²¹**AP (Bucharest), October 21, 1990, reported in *Report on Eastern Europe*, "Demands for an Independent Television," by Crisula Stefanescu, p. 24.**

Criminal Procedure and the Right to a Fair Trial

The arrest and detention of hundreds of Romanians following the June events underscored the need for significant changes in the Romanian Code of Criminal Procedure, inherited from the Ceausescu era.

Access to an Attorney

Under the Code, a detainee could be kept in detention for 60 days (with the possibility of extension) without the right to confer with his or her attorney unless permission was specifically granted by the responsible prosecutor. In practice, permission was rarely if ever granted. During 1990, the common practice was to allow detainees access to their lawyer only after several weeks in prison.

The Prosecutor General apparently issued a directive in mid-August 1990 that defense attorneys be allowed access to their clients during the preliminary investigation. However, the directive did not create an enforceable right, in that access to an attorney at the earliest stages of the investigation remained within the discretion of the Prosecutor, whose decision was not subject to judicial review.

In an interview in September, Minister of Justice Victor Babiuc stated that under the current criminal procedure the right to an attorney is "more of a favor during the investigative stage."²²

Preventive Detention

Under the Code of Criminal Procedure, the prosecutor could keep a suspect in preventive detention for up to four months if there is a chance that the sentence might be more than two years' imprisonment (Section 148). (The length of imprisonment established under Ceausescu remains severe for relatively

²²*Adevarul*, September 4, 1990; Reported in FBIS-EEU-90-194, October 5, 1990.

minor offenses.) Only then would further extensions of preventive detention fall under the jurisdiction of a court. In practice, however, judges frequently approved extensions of preventive detention as a matter of course. There was no provision for release on bail. The following are only a few examples of the frequent use of preventive detention:

- **Marian Munteanu, President of the League of Romanian Students and active in the University Square demonstrations, was held for investigation from June 18 until August 3 without being charged. Many of those arrested during the June events were held for 2-3 months before being released for lack of evidence.²³**
- **Andrei Apostol, a member of the Independent Group for Democracy and active in the University Square demonstrations until May 24, was arrested on June 15. For the next 11 weeks he was under investigation for any crimes he may have committed during the June 13 violence. Andrei was kept in prison until August 30, although he was apparently never charged with a crime.**
- **As reported earlier, Zoe and Valentin Ceausescu were held in preventive detention from December 1989 to August 1990. They were ultimately released without being charged with a crime.**

²³According to information received by Helsinki Watch, all those detained during the June events had been released by October 30, 1990, except for three people being tried by the military tribunal (see footnote 11). Trials before civilian tribunals of two groups of defendants continued throughout the fall of 1990. There are 29 defendants in the first group (File I or File #1217/1990) whose trial is ongoing. The trial of the second group of 27 defendants (File II or File #1448/1990) continued throughout 1990. However, as this report went to press, 16 of the defendants had been transferred from the municipal tribunal to various sectorial courthouses, and the remaining 11 had all been acquitted or given suspended sentences. Several commentators linked these decisions to the debate in the Council of Europe concerning the granting of observer status to Romania which occurred only a few days later.

Denial of Information About Detainees

Over 1,000 people were reported arrested, and over 500 people were injured to the extent that they sought medical assistance in Bucharest hospitals after the June events. During the days immediately following the violence, the whereabouts of many individuals were unknown. Families and friends of people who were missing went from hospital to police station to morgue in an effort to obtain information about their loved ones. Not only in June, but whenever large numbers of people were detained, the Romanian authorities frequently refused to provide any information whatsoever about the identities of those arrested.

- **Octavian Farcasanu was one of 38 people convicted for offenses following the attack on the government building on February 18. He was not allowed to contact his family or a lawyer after his arrest. Members of his family were allegedly beaten inside the government building on February 19 when they tried to get information on Octavian's whereabouts.**
- **Mircea Andrei Rob, a 16-year-old student with a history of epilepsy, disappeared on June 13 at around 9:00 p.m. His mother, Maria Rob, told Helsinki Watch that she had gone to all the hospitals, police stations and the morgue in an effort to find her son. She told the police that her son desperately needed medicine and showed them a copy of his medical diagnosis. However, Mrs. Rob was told by a Sergeant Grozavu at Police Precinct No. 4 that "Until we finish our investigation of everyone, we will not give you any information." On June 25, Mrs. Rob received a call from a police station outside Bucharest saying that her son was having an attack and that she should bring his medicine. This was the first information she had received about his whereabouts.**
- **Helsinki Watch also received information that Viorel Horia and Popiolus Ursu have not been seen since the events of June 13-15. In addition, Stefan Dumitrescu was allegedly arrested in August for his participation in demonstrations in February. The League for the Defense of Human Rights in Romania reported**

that it, along with the boys' families, has repeatedly requested information from the Ministry of Interior and the police but has received no information on their whereabouts.

In a meeting on July 7 with Minister of Interior Doru Ursu, a Helsinki Watch delegation expressed its concern that information on the identity of arrested individuals had not been made easily accessible to those still looking for family members. Minister Ursu stated: "I feel that it is necessary to have lists of those arrested—it is normal and it will be that way. There is no reason for the lists not to be public." However, subsequent interviews with those detained and their families have made it clear that such lists were not produced for several months. Many families eventually discovered the whereabouts of their relatives only with the help of non-governmental organizations, and this often over a month after the event.

III-Treatment During Detention

Helsinki Watch received a significant number of reports of ill-treatment of detainees during detention throughout 1990.

- After the anti-government demonstrations on February 18, Atila Rosianu, aged 16, was arrested and reportedly beaten by police during his interrogation. During his trial, which began in September 1990, Atila alleged that he had been beaten in order to force him to sign a confession implicating his co-defendants in the attack on the government building.**
- As discussed earlier, Gypsies detained for crimes allegedly committed during the violence in Tirgu Mures were intimidated and forced to sign confessions that they apparently could not read. One detainee reported that a policeman held a knife to his throat until he agreed to sign the confession.**
- Victor Roncea, a student in the Art High School, was beaten by miners on June 14, and after being taken initially to the police station, was taken in a bus along with others to Magurele, a military base outside Bucharest. They got out of the bus and were forced down a corridor where "soldiers lined up on both sides of the corridor and kicked us and**

hit us with their guns as we walked through. At the end of the corridor was a garage which was already half full. By the end of the day there must have been about 700 people in there." Roncea's account was similar to dozens of reports received by Helsinki Watch about the abuse of detainees at Magurele.

- Helsinki Watch has received disturbing reports that detainees were held incommunicado for several weeks at a time. Helsinki Watch also received one report that a detainee held at the Police Headquarters in Bucharest after the February 18th events had his hands chained to windows in such a manner that his arms were painfully stretched. This person, who wished to remain anonymous, reported that he now experiences numbness and pain in his wrists and shoulders.

- Corneliu Borcoman, a 54-year-old architect and journalist, arrested at his office on June 15 after having been filmed in the TV studios on the thirteenth, reported not only physical but psychological abuse. During the three and a half months he was held in a cell at police headquarters #14, the detainees were subjected to continuous light from a bulb which they could not turn off, to the incessant howling of police dogs that he believed were baited by the warders, and on several occasions, to the sounds of moans and cries as if someone in a nearby cell were being tortured, possibly immersed in a barrel of water. Corneliu Borcoman remains uncertain whether these noises were recorded or not.

Changes in the Criminal Procedure

On November 17, 1990, the Romanian Parliament passed amendments to the Code of Criminal Procedure that provide greater protection for rights of suspects during a criminal investigation, as well as guarantees for a fair trial. Article 6, for example, guarantees the right to an attorney throughout the criminal investigation, and requires the competent judicial body to inform the accused of the nature of the charges against him or her and to ensure the time and means for preparing a defense. The competent judicial authorities are also required to inform a suspect of his or her right to have the assistance of a lawyer, before any statement is taken.

However, Article 172 allows the prosecutor, under exceptional

circumstances, to deny the defendant access to his or her attorney, on one single occasion, for no more than five days. It is unclear, however, what circumstances would be considered "exceptional." This provision appears to be an unnecessary restriction on the attorney-client relationship and is subject to abuse.

Under the new procedure, an individual can be detained by police for 24 hours without an arrest warrant. Issuance of an arrest warrant allows the suspect to be detained for an additional five days without being charged. In other words, within six days of the initial detention a suspect must be charged or released. According to Renate Gavrilas-Weber, a lawyer in Bucharest, the suspect, if charged, can be detained under Article 155 for a total of 30 days by the prosecutor, with one possible 30-day extension by the prosecutor. Any additional extension of the arrest warrant (each extension is for 30 days) must be approved by a court.

Article 140 provides that a detainee can challenge an order of preventive detention. A detainee must appear before a court within 24 hours of making the complaint, and the court must make this decision within 24 hours of hearing the case. This article can only provide adequate protection if a detainee is informed of his or her right at the time of arrest, whether or not he or she is assisted by an attorney. Article 140 does not appear to require that a detainee be informed of this right.

Article 136 provides a new and important improvement to the Code of Criminal Procedure, in that it requires that the authorities inform a detainee's family of his or her whereabouts within 24 hours of the arrest. These amendments also include for the first time a right to be released on bail or under "judicial supervision," and provide the right to receive compensation for unlawful detention.

These changes in criminal procedure do not apply to Decree 153, which is not considered a criminal statute, although defendants may receive as much as six months imprisonment. (See above, p. 20). Decree 153 was used on several occasions during 1990 to quickly try and convict defendants. The procedure set out in Decree 153 violates the basic concepts of a fair trial as well as Romania's obligations under the International Covenant on Civil and Political Rights and other agreements to which Romania is a signatory. Decree 153 represents a serious loophole in the newly-implemented safeguards discussed above and should be abolished.

Orphanages in Romania

Shortly after Nicolae Ceausescu was overthrown on December 22, 1989, the world was exposed for the first time to the shocking images of Romania's orphans, especially its handicapped children and babies with AIDS. An almost absolute ban on abortions and contraceptives, accompanied by forced gynecological examinations at the workplace, resulted in a dramatic increase in the number of unwanted children during the 1970s and 1980s. Due to disastrous economic policies which caused widespread malnutrition, increasing numbers of children were turned over to malnutrition centers and orphanages. These children, numbering over 100,000, live for the most part in Dickensian institutions – bleak, understaffed orphanages built by the Ceausescu government to deal with the consequences of its policy of coercively raising the birth rate.

The Orphanage System

The Ceausescu regime responded to the increase in unwanted children by putting into place a network of custodial and caretaker institutions, which included separate institutions for "irrecuperable" children. Not surprisingly, conditions in the orphanages for normal children are not as grim as those in the institutions for the handicapped.

Dr. Guilhem Delmas, a doctor with the relief organization Doctors of the World (Medecins Du Monde) stationed in Bucharest, described the horrific conditions: "In one home, 40 percent of the children died last year of infectious diseases and neglect." Dr. Delmas said: "They die of hunger, of a very dirty environment, of nobody touching them and of never getting out of their beds."²⁴

Neglect is apparent in all aspects of orphanage life. Under Ceausescu, orphanages were so poorly funded (14 lei per day per child) that the children rarely received anything but the poorest quality of food. Similarly, adequate clothing for children in institutions was not a high priority for the Ceausescu

²⁴Mary Battiata, "A Ceausescu Legacy: Warehouses for Children," *The Washington Post*, June 7, 1990, A34, col. 1.

regime.

Wholly inadequate funding also contributed to a scarcity of certain medicines and especially medical equipment. For example, several of the homes visited by Helsinki Watch had only the most primitive autoclave for sterilizing needles. Given that the orphanage staff frequently administered injections of various kinds, that hypodermic needles were in very short supply, and that the autoclaves were usually extremely slow or not functional at all, needles were reused without sterilization. This resulted in the spread of various diseases including hepatitis B and the HIV virus.

One of the greatest tragedies was and still is the frequent neglect of the children by the personnel charged with responsibility for them. In its visits to such institutions, Helsinki Watch rarely observed a Romanian staff person working or playing with handicapped children. There were no educational programs, and no physical therapy other than that provided by foreign volunteers.

Human Rights Concerns

The Right to Privacy

The egregious neglect and disease that one observes in Romania's institutions are not only the product of oversight and inattention (as is often true in developed countries), but of deliberate governmental policies. Clearly, these governmental policies raise a number of important human rights issues.

Helsinki Watch takes the position that Ceausescu's pronatalist policies (i.e. the government's prohibition on contraceptives, the periodic gynecological examinations ordered by the state) were so intrusive as to violate a woman's right to privacy.²⁵

The right to privacy encompasses the right of the individual to make certain fundamental decisions including the right to marry (or not to marry), and whether and when to have children. When a government bans contraceptives outright, sets up a system of gynecological examinations to monitor women's

²⁵International Covenant on Civil and Political Rights (ICCPR) Article 17(1) provides that: "no one shall be subjected to unlawful interference with his privacy, family, home..."

reproductive status, and taxes those couples who do not choose to have children, this is an unjustified intrusion by the state in an area that has been delegated to the private sphere. That is not to say that the state may not regulate certain aspects of family life, but there must be some compelling state interest to justify such an intrusion, and any such regulation must be narrowly drawn so as not to restrict unnecessarily fundamental rights.

Freedom From Cruel And Inhuman Treatment

There can be no dispute that the right to be free from cruel, inhuman or degrading treatment is entrenched in customary international law²⁶, and that the lack of food, clothes, or a helpful environment, as well as absolute neglect by the personnel in Romania's institutions for the handicapped, frequently rose to the level of cruel and inhuman treatment.

Furthermore, a child with special mental and physical problems who is adequately fed, clothed and housed, but otherwise provided with no therapeutic activities, will deteriorate. Where the state takes responsibility for such a child, it has an affirmative obligation to take all necessary steps to prevent such deterioration. Anything less is harmful to the child's well-being.

Freedom of Expression and Association

The story of AIDS in Romania is a most dramatic example of the dangerous consequences of restricting freedom of expression and association. The Ceausescu regime not only systematically isolated physicians both from colleagues abroad and from each other at home, keeping the medical science in the dark ages, but it also refused even to acknowledge the presence of AIDS. It impeded the exchange of information among physicians—as late as 1989, medical meetings could not include a session on AIDS.

The most portentous result of the regime's refusal to acknowledge the threat of AIDS was that no attempt was made to screen the blood supply; this had devastating consequences, for the epidemic among the children was, in large

²⁶See, e.g., Universal Declaration, Article 5; ICCPR, Article 7; Convention on the Rights of the Child, Article 19; Declaration on the Rights of Mentally Retarded Persons, U.N.G.A., adopted December 20, 1971.

part, caused by transfusions of unscreened blood. In effect, the outbreak of AIDS among Romania's institutionalized children was not a cruel accident of fate, but the result of Ceausescu's determination to conceal the problem and to devote no resources to preventing its spread.

Restrictions on freedom of information and association resulted not only in a poorly-informed medical community, but in a community that was morally and ethically compromised. In Romania, the medical profession's duty to its patients was subjugated to the conflicting obligation to serve the state's pronatalist interests. In time many members of the medical profession lost sight of their ethical obligations to their patients. In such a context, the anomaly of microtransfusions seems less surprising. Surely doctors worked under enormous pressures from the government, in poor conditions and without the necessary supplies. But it is hard to avoid the conclusion that the medical profession was ultimately worn down to the point of not caring much about the long-term implications of its behavior. How did this happen and why did doctors not protest against such a perversion of their profession?

The answer may be found in the restrictions on free association that existed in Ceausescu's Romania. These restrictions prevented the existence of an independent professional association that could have provided not only an important professional support network for the individual, but also a set of professional standards subject to peer review. The maintenance of high standards by an independent medical association in Romania should have acted as a critical restraint on state authority.

The New Romanian Government's Policies

Since coming to power in 1990, the National Salvation Front has abolished pronatalism. Thousands of abortions are being performed daily in Romanian hospitals, but less invasive means of contraception are still unavailable. The orphanage population is declining, in part because admissions are down, but in part, too, because adoptions are up. Many Europeans and some American organizations, as well as hundreds of private citizens, are giving hands-on care and habilitation to children in practically every institution and hospital: they are trying, not very successfully as yet, to provide technical assistance to the Romanian staff.

The Romanian government has increased the daily allotment for each orphan from 14 to 28 lei, and has begun to increase the pay for the staff of these institutions. In addition, nursing schools have been reestablished, and specialized training for pediatricians, physical therapists and psychiatrists is again available.

These changes acknowledged, the heritage of the Ceausescu regime will not be easily reversed. There remains even among professionals an ingrained suspicion of practically everything heard or read, particularly if it emanates from official circles. Having experienced doublespeak, lies, and rumors for so many years, they have difficulty distinguishing fact from propaganda. The Helsinki Watch mission members were shocked to see that microtransfusions continue, as does the cult of injections, despite directives from the Ministry of Health and repeated admonitions from visiting doctors and nurses.

The Right to Travel and to Citizenship

The restrictions on the right to enter and leave Romania, for both foreigners and Romanian citizens, were largely abolished after the revolution. In fact, the demand for passports was so great during 1990 that individuals often experienced long delays.²⁷ Nevertheless, Helsinki Watch received no reports of government-imposed restrictions on the right to travel, other than those normally associated with applying for a passport and visas. There were, however, several notable exceptions:

- In April 1990, then Minister of Interior Mihai Chitac ordered that Doru Braia, who was born in Romania and now lives in Germany, be expelled from Romania. At that time, his passport was confiscated by the police and he was forced to leave the country. In October, Doru Braia entered Romania to attend the funeral of his aunt, but several days later was refused permission to reenter the country to attend an international human rights conference in Timisoara. The government claimed, in meetings with representatives from the conference, that Mr. Braia had no proof of his Romanian citizenship. However, his passport, which had been confiscated by the police, was evidence of his Romanian citizenship, and there was no proof that he had ever voluntarily renounced his Romanian citizenship. On October 30, the General Division of Passports announced that Doru Braia had been issued a passport for Romanian citizens abroad and that he had never lost his Romanian citizenship.**
- On Christmas Day 1990, King Mihai, the former monarch of Romania,**

²⁷The number of people who emigrated during 1990 created a serious depletion of the best-educated and trained Romanians. The Romanian government reported that 69,525 citizens travelled abroad and that 25,000 did not return. Other sources, however, estimate that the number of Romanians who left Romania permanently was as high as 800,000. West Germany alone reported that 89,000 ethnic Germans from Romania had arrived in Germany during 1990. The number of Romanians seeking permanent residence or political asylum in foreign countries was so high that many western countries imposed severe restrictions on visas granted to Romanian citizens.

arrived at Otopeni Airport in Bucharest and was processed through customs and passport control without incident. However, less than 12 hours later he was expelled by Romanian authorities who claimed that he did not have an entry visa. (Previously, on April 11, the former King's entry visa was withdrawn by the government because his visit "might exacerbate conflicts and endanger his personal safety.")

King Mihai lives in Switzerland and was carrying a Danish diplomatic passport. His Romanian citizenship was withdrawn in 1948 by governmental decree. While King Mihai considers that governmental decree invalid, he is treated as a foreigner by the Ministry of Interior which has oversight responsibility for visa applications.

Minister of Interior Viorel Ursu reported to Parliament that, as a foreigner, the ex-King should have obtained a visa in advance.

Article 12(4) of the ICCPR states that "no one shall be arbitrarily deprived of the right to enter his own country." While ex-King Mihai's citizenship status is unclear, it is clear that either he is a Romanian citizen and was thus refused entrance into his country in violation of ICCPR Article 12(4) or his Romanian citizenship was withdrawn in violation of Article 15(2) of the Universal Declaration of Human Rights which states that "no one shall be arbitrarily deprived of his nationality." In addition, the failure of the government to allow Doru Braia to enter Romania is a clear violation of ICCPR 12(4).

Restrictions on contacts between Romanian citizens and foreigners no longer exist, but the Minister of Interior announced in late 1990 that the law requiring Romanian citizens to report overnight business by foreigners within 24 hours is still in effect.

The New Citizenship Law

On December 13, the Law on Citizenship was passed by the Parliament and became effective in early January, after its publication in the official bulletin. One controversial item, Item 25, states that:

Romanian citizenship can be withdrawn from any person who, while abroad, perpetrates acts of utmost gravity that bring prejudice to the

Romanian state's interests or impair Romania's prestige, joins the military corps of a state with which Romania has come to a breach of diplomatic relations or to a state of war, or who obtained Romanian citizenship by fraudulent means.

The vague wording of Item 25 could easily be interpreted to allow the withdrawal of citizenship if a Romanian exercises the protected right of free expression and is critical of the Romanian government. Furthermore, this item does not appear to provide for due process of law before the withdrawal of citizenship in violation of Article 15 (2) of the Universal Declaration.

Freedom of Religion

Before December 1989, the right to practice one's religion without government interference was severely restricted. The Department of Cults, the former government body responsible for supervising the activities of all churches, possessed enormous powers to control the finances of churches, the appointment and training of clergy, as well as the religious activities of congregations, all with the assistance of the Securitate. Under Ceausescu, there were also several churches that were banned altogether. These included the Uniate Church, The Lord's Army, Jehovah's Witnesses and the Nazarenes.

In 1990 most of the restrictive decrees of the Ceausescu era were abolished and religious groups quickly moved to take advantage of the new-found freedom. The packed churches on Sunday mornings and the posters announcing evangelical revival services that were to be seen throughout Romania are but two signs that real progress has been made. Optional religious education classes have also been reinstated allowing religious instruction in primary and secondary schools. Attendance is not mandatory.

Helsinki Watch received reports that the Uniate Church (or Eastern-Rite Catholic Church), which was banned in 1948, has experienced continuing problems regarding church property that was confiscated by the Romanian government in 1948. The majority of the property was ultimately given to the Romanian Orthodox Church.

Decree 126 of April 24, 1990, provided that all property confiscated from the Uniate Church and now in the possession of the Romanian government would be returned. However, representatives of the Uniate Church reported to Helsinki Watch that thus far only one church has been returned. Decree 126 also provides that Commissions made up of Uniate and Orthodox representatives will determine how to dispose of Uniate property, now in the possession of the Orthodox church. Uniate representatives report that only one Orthodox bishop has voluntarily returned property to the Uniate Church. The Uniate's

representatives do not want to negotiate with the Orthodox Church, believing that it is the Romanian government's responsibility to return all property that it confiscated.

In the village of Poarta, near Reghin, a campaign of intimidation was unleashed by Orthodox sympathizers against the Uniate congregation after the majority of the Romanian population reverted to the Uniate church. One Uniate priest and his family were reportedly attacked by Orthodox sympathizers. The wife was hospitalized due to injuries that she sustained. Two members of the congregation were also injured when they attempted to go to the rescue of the priest and his family. Police arrested a suspect who was later released. On July 23, the parsonage was attacked and its windows broken by unidentified persons. In both instances, the police showed little interest in investigating the incident.²⁸ Uniate Church representatives reported that this case was similar to numerous incidents in villages with Uniate congregations.

At the end of 1990, Romania's Parliament was prepared to debate new laws on religion that had been drawn up by the various religious denominations represented in Romania. As this report goes to press, the different religious organizations have agreed on a final text of the law that, if passed, will provide "greater legal protection both to the autonomy of religious denominations, and to the citizen's right to practice a legally-recognized religion."²⁹

²⁸Reported by Pax Christi of the Netherlands and International Service for Human Rights in Geneva, Egert Wesselink, editor.

²⁹Keston College News Release, January 22, 1991 (21:05, No. 006) p.01/02.

United States Government Policy

The Bush Administration played an important role throughout 1990 in holding the Romanian leadership to Romania's commitments under international human rights law. Immediately after the December revolution, the Bush administration welcomed the changes that had occurred in the country and at the same time emphasized that it would carefully evaluate human rights developments in deciding on an aid package or the granting of Most Favored Nation (MFN) status. The Bush Administration did not rush, as some countries did, to send a high-level U.S. official to welcome the new Romanian leaders. State Department spokesperson Margaret Tutwiler stated in mid-January: "The Romanian government's steps toward freedom of travel and immigration as well as movement toward a pluralistic, multi-party democracy will obviously be relevant to our consideration of a waiver [of the Jackson-Vanik Amendment on granting MFN status]."

Throughout the year the Bush administration took a firm stand on human rights violations in Romania:

- In late January, the Bush administration denounced efforts by Romanian officials to restrict the right to protest. State Department spokesperson Margaret Tutwiler stated that "we are deeply troubled by what appears to be active intimidation of legitimate organizations which are seeking a legitimate, independent role in Romania's new political order. Our ambassador in Bucharest protested these actions to Romanian officials and asked that the right of all political groups to peaceful protests be fully protected." These concerns were also raised by Ambassador Richard Schifter, Assistant Secretary of State for Human Rights, during meetings with National Salvation Front officials in Bucharest.**
- U.S. Ambassador to Romania, Alan Green, was recalled to Washington in mid-May for consultations regarding violence and intimidation which were occurring during the electoral campaign. This action was an important public signal to the Romanian government of the Bush administration's concern that the elections be truly free and fair. These concerns were also raised directly with the Romanian government on**

several occasions, including statements by Secretary of State James Baker during a pre-election visit to Bucharest. To further underscore its concern about the May elections, the Bush administration designated a special observer delegation headed by Garrey Carruthers, Governor of New Mexico.

- In June, the Bush administration condemned the violence by vigilante groups in the center of Bucharest. State Department spokesperson Margaret Tutwiler stated that "The United States condemns in the strongest possible terms the Romanian government's brutal suppression, including the use of deadly force, of legitimate forms of dissent and political protest. We deplore, as well, government-inspired vigilante violence by workers and others against Romanian citizens." State Department spokesperson Richard Boucher also warned on June 15 that "Until the democratic process is restored, the United States has decided to withhold all non-humanitarian economic support assistance that Romania might be eligible for."**
- In late June, Ambassador Alan Green boycotted the inauguration of President Ion Iliescu in a dramatic protest against the Romanian government's repressive actions during June 13 to 15.**

The U.S. Embassy in Bucharest has also been active in supporting and maintaining contact with a variety of civic groups, including all human rights organizations. The Embassy has also played a positive role in raising concerns about the conditions in Romania's orphanages at a variety of levels, including discussions between Ambassador Green and the Minister of Health.

The Bush administration has not, however, been persistent in publicly calling for the Romanian government to investigate and prosecute past abuses. It has also failed to use its considerable influence to keep pressure on the Romanian government to investigate thoroughly and make public any findings about the role of the army and police during the December revolution and during the events in Tirgu Mures in March and in Bucharest in June.

Appendix A

Appendix B

Stated Objective of the Committee for Action to Democratize the Army (CADA)*

***Reported in FBIS-EEU-90-231, November 30, 1990, p. 67.**

Appendix C

Charter on the Freedom of the Press

The following document was prepared by representatives of the Association of Romanian journalists (whose members write for independent newspapers) and the Union of Professional journalists of Romania (whose members work for pro-government newspapers) and has been submitted to the president, government and parliament of Romania. Although an alternative to the controversial press law submitted by the government (subsequently withdrawn), it is intended as a "gentleman's agreement," rather than as a draft for legislation, since its authors consider "inadmissible" specific press-related measures other than those included in the Penal Code.

Article 1. The Romanian state recognizes that its citizens, who are free members of a free society, enjoy the fundamental rights of being correctly and fully informed about all areas of interest. The unhindered flow of information is recognized and encouraged as a fundamental human right, as an essential prerequisite of social progress.

Article 2. The free flow of information is indissolubly linked to the free flow of opinions. In stating this principle, the Romanian state guarantees the right of all people to express their opinions in any language and by any means, both as a consequence and as a precondition for the unhindered flow of information.

Article 3. The press represents the main social means of ensuring the free flow of information and opinions. The Romanian state guarantees and ensures the freedom of the press. Any attempt to limit the freedom of the press will be considered an attempt to limit fundamental human rights in the legislative, judicial, or administrative areas.

Article 4. The press guarantees the unlimited flow of information. The information should be correct.

Article 5. Unlimited guarantees mean that the right to the free flow of information is limited only by the affirmation of other fundamental human rights. The protection of those fundamental human rights is ensured by specific legal means,

whose application and observance devolve upon those concerned. The Romanian state considers the adoption of measures of a general nature aimed at limiting the freedom of the press or other means of disseminating information and opinions to the inadmissible.

Article 6. Persons and institutions violating other fundamental human rights by means of the press can be punished penally, civilly, administratively, or through disciplinary measures. . .only in so far as the violation of these norms has been proved and not for making use of the freedom of the press.

Article 7. The ability to disseminate, [which is] typical of the press, justifies the differentiated use of legislative measures for the protection of other fundamental human rights when those rights are disregarded as a result of the propagation of false information.

Article 8. The [moral obligations] of journalists [are] ensured by the journalists' professional organizations. . .

Article 9. The social significance of the press implies recognizing the social significance of the profession of journalists.

Article 10. The Romanian state protects the practising of the profession of journalism by means of special measures against aggression, in line with the rights deriving from this profession, its significance, and [its] risks.

Article 11. The Romanian state protects the population and journalists from the monopolization of the flow of information. To this end, the existence of the private sector in the press and in all areas concerned with the press is ensured; the right to publish and to disseminate information irrespective of the form of ownership of the means of information is recognized.

Article 12. Any legislation concerning the press will have to observe the principles included in the present charter.